



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard S. Ginn
Title : Lung Assist Apparatus and Methods For Treating Spinal Discs
Docket No. : 704117.4011
Customer No. : 34313

031356 U.S. PTO
10/773581



Mail Stop Patent Application - DIVISIONAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

UTILITY PATENT APPLICATION TRANSMITTAL

1. Type of Application
This new application is for a(n)
☒ Original (non provisional)
☐ Design
☐ Plant
2. ☒ Applicant claims small entity status. See 37 CFR 1.27
3. ☒ Specification, including Description, Claims and Abstract (Total Page: 30)
4. ☒ Formal Drawing(s) (35 USC 113) (Total sheets 6)
5. Oath or Declaration
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)
 - i. ☐ Deletion of Inventors (Signed statement attached deleting inventors(s) named in the prior application.) See 37 CFR 1.63(d)(2) and 133 (b).
6. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

CERTIFICATE OF MAILING
37 CFR §1.10

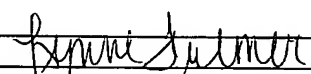
I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage in an envelope addressed to: Mail Stop Patent Application, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail No.: EV 339737951 US

Date of Deposit: February 5, 2004

DOCSOC1:147205.1

704117-4011 J2G


Lynne Fulmer

Applicant : Richard Ginn
Docket No. : 704117.4011

7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if application, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ Paper
c. ☐ Statement verifying identity of above copies
8. ☐ An assignment of the invention to _____
☐ is attached. A separate ☐ "COVERSHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
☐ will follow.
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) (Power of Attorney by Assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement/PTO 1449 (or PTO/SB/08a)
☐ Copies of citations
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
15. ☐ Non-publication Request under 35 USC 122 (b)(2)(B)(i) (Applicant must attach form PTO/SB/35 or its equivalent)
16. ☐ Other

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of co-pending application Serial No. 09/947,785 filed on September 6, 2001. The priority of the prior application is expressly claimed, and the disclosure of this application is hereby incorporated by reference in its entirety.

Prior application information:

Examiner: Eduardo C. Robert Group Art Unit: 3732

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Applicant : Richard Ginn
Docket No. : 704117.4011

18. Fee Calculation: TOTAL AMOUNT OF PAYMENT: \$385.00
- A. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. 15-0665.
- ☒ Charge any additional fee required under 37 CFR 1.16 and 1.17 to Deposit Account No. 15-0665.
- B. ☐ Payment Enclosed
- ☐ Check ☐ Credit Card ☐ Money Order ☐ Other


BASIC FILING FEE:						\$770.00
Total Claims	20	-	20	=	0	x \$18.00 \$0.00
Independent Claims	1	-	3	=	0	x \$86.00 \$0.00
Multiple Dependent Claims	\$290	(if applicable)	<input type="checkbox"/>			\$0.00
TOTAL OF ABOVE CALCULATIONS						\$770.00
Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.						
<input checked="" type="checkbox"/>						\$385.00
Extension of Time (from above)						\$0.00
Assignment -- \$40 (if applicable) <input type="checkbox"/>						\$0.00
TOTAL FEES SUBMITTED HERewith						\$385.00

- C. ☐ This application is being filed without fee or Declaration under 37 CFR §1.53.

20. Correspondence Address
- ☒ Customer Number. 34313

Respectfully submitted,

Dated: February 5, 2004


James W. Geriak, Reg. No. 20,233

ORRICK, HERRINGTON & SUTCLIFFE LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Telephone: (949) 567-6700
Facsimile: (949) 567-6710